

REMARKS/ARGUMENTS

Claims 42-61 are now pending.

Regarding the Examiner's statement regarding utility and Claim 33, Applicants note that the relationship between the diseases recited in Claims 15-20 and the function of the compounds of the present invention, i.e., N-type calcium channel antagonist activity, is described Opinion, Ther. Patent (1998) 8 (10) pp. 1237-1250, filed in the Information Disclosure Statement submitted on December 5, 2002.

The specification has been amended to insert continuing application data. Copies of the priority applications will be submitted shortly.

The rejection of the claims under 35 U.S.C. §112, second paragraph, is believed to be obviated by the amendment submitted above. In that amendment, the rejected claims were canceled in favor of newly-added Claims 42-61.

In the newly-added claims, the structural variables C and F have been replaced with Q and J respectively. The issues raised in the Official Action are believed to be obviated by the submission of the new claims. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of the claims under 35 U.S.C. §103 over U.S. patent No. 6,172,066 (U.S. '066) is believed to be obviated by the amendment submitted above. U.S. '066 fails to suggest the compounds recited in the amended claims. Accordingly, withdrawal of this ground of rejection is respectfully requested.

If the Office maintains this rejection, it is requested that the Examiner point out the portion of the reference that is relied upon in support thereof.

Application No. 10/025,589
Reply to Office Action of January 31, 2003

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

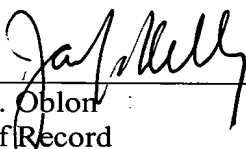
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